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BEFORE THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
HOUSE COMMITTEE ON NATURAL RESOURCES
MAY 24, 2016
“INVESTIGATING THE CULTURE OF CORRUPTION
AT THE DEPARTMENT OF THE INTERIOR”

Mr. Chairman and members of the subcommittee, good afternoon. Thank you for the opportunity to testify today on the important issue of behavioral culture at the U.S. Department of the Interior (DOI). There are too many examples of bad behavior. Not just at Interior, but Government-wide. This hearing highlights the importance of bringing into the public view the vital role of the Office of Inspector General (OIG) as an independent, objective body to investigate matters that ultimately violate public trust. Through our investigations, we lay bare misconduct on the part of Federal employees so they can be held accountable, advise those who are brave enough to bring misconduct to the attention of the OIG or other responsible officials, encourage others to do the same, and make transparent the consequences of misconduct, providing deterrence from future misconduct.

As you know, OIG has a great deal of experience uncovering ethics and other conduct violations by Interior employees and officials. For many years, we have had a specialized unit dedicated to investigating cases of ethical and other misconduct, particularly by high-ranking officials and others whose positions of trust make their misconduct particularly detrimental to the operations of the Department, the morale of its employees, and the reputation of Federal Government employees. Our specialized unit has investigated many instances in which DOI employees have engaged in behavior that fails to meet the standards of conduct that are expected of Federal Government employees.

You may wonder how widespread the ethical lapses are, and what their impact is. In my experience, the majority of Interior's 70,000 employees take the mission of the Department and their individual responsibilities very seriously. I remain convinced that, as a whole, those who engage in wrongdoing are in the minority.

Yet after more than 16 years with the OIG, as much as I would like to say that I have seen it all, I am continually surprised by the variations of misconduct brought to our attention. Unfortunately, misconduct by those few receives notoriety and casts a shadow over the entire Department.

That shadow looms large, especially following the recent release by the OIG of a series of investigative reports, including reports on violations of law, rule, or regulation by high-level officials within the National Park Service (NPS) and the Bureau of Indian Education (BIE).

Blatant ethical violations by the NPS Director, made worse by his admission that he intentionally avoided seeking ethics guidance, conveys the message to employees that ethics

rules are not important, perhaps even optional. Another egregious example is the former BIE Director who abused his position of authority to improperly influence the hiring of relatives and personal acquaintances in violation of the Merit System Principles. We learned that other employees knew of these improper actions, but did not report the violations, thinking it was accepted behavior, or if reported that nothing would be done.

Our investigative reporting of the pattern and practice of sexual harassment at Grand Canyon National Park provided a glaring example of NPS management failing to take proper action when employees reported wrongdoing. Similarly, after receiving an investigative report on the Chief Ranger of Yellowstone National Park violating the rules on the use of Park housing, the Chief Ranger was transferred to another park and named superintendent. The appearance of rewarding bad behavior is not the desired outcome – nor a proper deterrent.

With fewer than 80 investigators, we work with constrained resources and can never detect all of the wrongdoing at Interior. We have addressed this in part by capitalizing on a culture at Interior that, for the most part, is one populated by individuals who are committed to the mission and doing the right thing. In fact, they are quick to report wrongdoing to the OIG. We were one of the first in the OIG community to create a Whistleblower Protection Program, one that is regularly referred to as a model by the Office of Special Counsel and other OIGs. Our Whistleblower Protection Program helps to advise, and thereby protect, those brave enough to shine a light on the wrongdoing they observe. In 2015 alone, the Whistleblower Protection Program has supported and protected well over 100 employees, contractors, or other individuals willing to come forward with allegations of fraud, waste, abuse, misconduct, or retaliation.

Unfortunately, not all leadership in DOI fully supports their employees contacting the OIG to report potential wrongdoing. There is a pervasive perception by many employees in some bureaus that contacting the OIG to report wrongdoing places them in jeopardy of retaliation. We often learn that management makes more effort to identify the source of a complaint than to explore whether the complaint has merit. In some instances, efforts have been made to restrict the ability of employees to contact us. When we become aware of such incidents we have been able to successfully intervene; however, we seldom see corrective action taken against individuals who attempt to silence their employees or identify whistleblowers.

More can be done at Interior to address employee misconduct and mismanagement. A pattern and practice of accountability begins at the top. Consistent messaging by senior leadership – or in other words, “the tone at the top” – must provide a clear message of what behavior is expected. We have encouraged Department leadership to demonstrate more support for those who serve in gatekeeper roles, such as contracting officers and human resource personnel. We are aware, however, that many gatekeepers feel undue pressure from managers to “make things happen” regardless of rules and regulations.

DOI does not do well in holding accountable those employees who violate laws, rules, and regulations. We see too few examples of senior leaders making the difficult decision to impose meaningful corrective action and hold their employees accountable. Often, management avoids discipline altogether and attempts to address misconduct by transferring the employee to other duties or to simply counsel the employee. The failure to take appropriate action is viewed

by other employees as condoning misbehavior. I was recently briefed on a matter in which an employee was detailed to another agency – at the expense of Interior – in lieu of using proper performance management and progressive discipline to correct performance and conduct issues. I am told that in response to our inquiry concerning the paid detail, the approving senior leader replied that she agreed with the action and that it was “expeditious and responsible.” There is no question that transferring an employee who is considered disruptive out of the agency is more expedient than taking formal disciplinary action, but I do not consider it “responsible.”

Inspectors General do not have authority to compel action within their agencies. To influence change, we rely mostly on our audits and investigations. To this end, the OIG recently implemented a policy of making public essentially all of our investigative reports, whether allegations are substantiated or not. A little more than a year ago, we were called out by the media on the relatively small number of investigations that we did make public. In responding to that challenge, we realized that we were simply practicing what had been done in the past and following the practice of much of the IG community. Having nothing to hide, and, as it turns out, much to gain by making our investigative results more transparent, we reversed our policy and now publish all investigative results, unless there is a compelling reason not to do so.

To spur the Department into taking swifter and more effective action, we have also recently instituted a practice of posting the results of our administrative investigations on our website 30 days after providing the report to the Department for review and action. With a 30-day public release date, we hold the Department accountable for prompt action and provide Congress and the public with more timely notice of our investigative results.

These new practices appear to be having an impact. Working with Interior’s Deputy Secretary, Chief of Staff, and Office of the Solicitor, we have witnessed an increased effort to be more responsive and decisive in their actions regarding employee wrongdoing, and an improved “tone at the top.”

As recent as February of this year, after my office alerted the Commissioner of the Bureau of Reclamation to a serious criminal matter involving a Reclamation employee, he immediately issued a memorandum to all Bureau employees condemning the criminal conduct. The memo also encouraged employees to report and discuss concerns of potential ethical lapses with ethics officials or the Office of Inspector General, reminding them that they need not fear retaliation for doing so.

Within the past year, both the Bureau of Land Management and U.S. Geological Survey Directors implemented policy requiring ethics training for **all** their employees in response to analysis and discussion between the OIG, bureau leadership, and ethics officials about allegations of wrongdoing by bureau employees.

These are a few positive examples of efforts to curb misbehavior, but much more of this kind of action – as well as prompt, appropriate disciplinary action in response to OIG reports of misconduct – is needed before the impact is seen throughout the Department.

I reiterate my thanks to the subcommittee for holding this hearing, for giving these issues the attention they deserve, and for recognizing the need for transparency and accountability in this important arena.

This concludes my prepared testimony. I would be happy to answer any questions that members of the subcommittee may have.